

One-on-One: Working as a Paralegal in Prison

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With no disrespect intended to my counterparts in society, if they really want to put their Paralegal/Legal Assistant education to the test, they should try working in a prison. Here, there is no room for specialization – you know it all, or you move on to something else.

Paralegal vs. Writ Writer

Make no mistake, “writ writers” or “jailhouse lawyers” (you pick your favorite term) do exist. These are the bane of a prison paralegal’s existence, and one of the worst predators on any prison yard.

Writ writers prey on the uneducated, offering a legal miracle, available only at their hands. For producing this “miracle,” they extort hundreds of dollars from the inmates, or their family. In exchange, the inmate most often receives an extremely voluminous brief containing little structure and a great deal of misspelled and out of context gibberish. The trademark of the writ writer is an abundance of Latin terms intended to impress both the inmate and the appointed judge (believe it or not). In the long run, the trusting inmate is out \$400 to \$500, and has received nothing but another brief, usually barred by the doctrine of *res judicata*. Too often though, these writ writers will have a plea agreement vacated, only to have the unsuspecting inmate sentenced to even more time. Enter the prison paralegal.

The prison paralegal is a rarity, in that he has actually pursued an education in the law, whether prior to or during his own incarceration. He works, hopefully, in the prison law library, receiving only prison gang pay for his efforts. But, after over 26 years of experience, I can attest that we receive a great deal more, especially when an individual returns to his family after ten- or twenty-year of incarceration.

Duties of a Prison Paralegal

The job of a paralegal in prison is, basically, to assist others in preparation of legal pleadings.

However, done properly, the job is so much more –

Criminal Work

Sadly, a great deal of a paralegal's work in prison is what is called "window cleaning." This is where the paralegal must do "clean-up work" to, hopefully, repair or undo the damage done to an individual's case by a writ writer.

This work is done one-on-one with inmates with convictions ranging from bogus checks to multiple counts of murder. One doesn't have the luxury of picking and choosing with whom to work. You must give the same attention and commitment to the inmate who molested his own child for years, as you do the one with a simple possession conviction.

Research is often done without the luxury of *Lexis* or *Westlaw*, or even the ability to *Shepardize* a case. Research is long, tedious, and painstaking. Briefs are prepared for both State and Federal courts often without the benefit of a computer or word processor, but on typewriters. Despite these "hurdles" deadlines must be met, which usually means the paralegal is organizing and compiling research and hand-writing briefs, in his cell late into the night, in order to have them ready for typing the next day.

Though the documents are submitted as pro se, we are the research team, investigators and appellate counsel rolled into one.

Conclusion

Due to limited available space, most inmates have no more than six hours per week access to the Law Library. Therefore, the prison paralegal must be diligent in his use of time, to ensure that as much work gets done during the inmate's allotted time, as is possible. The paralegal must be efficient, concise, and above all – correct. Ours is a unique situation, in that we must be able to assist with **all** areas of the law. It is one of the most challenging, educational, and rewarding experiences for which a paralegal could ask.